

3:07cv384

Defendants.

ORDER

THIS MATTER comes before the Court upon Plaintiff's Motion for Relief of Judgment under Rule 60(b), (Doc. No. 7), filed August 20, 2010.


On September 12, 2007, Plaintiff filed a Complaint pursuant to 42 U.S.C. § 1983. On September 20, 2007, Plaintiff's Complaint was dismissed pursuant to the three-strike provision of 28 U.S.C. § 1915(g). (Doc. No. 2: Order). On July 20, 2007, Plaintiff filed a Motion to Intervene which was denied February 6, 2009. (Doc. No. 5: Motion, Doc. No. 6: Order).

Plaintiff has now filed a motion asking this Court to reconsider the dismissal of his case. As the basis for his motion Plaintiff asserts that he has unspecified newly discovered evidence. Motions made pursuant to Rule 60(b)(2) must be made within one year after the entry of Judgment. Fed. R. Civ. P. 60(c). Because Plaintiff filed his Motion to Reconsider almost three years after the entry of Judgment in his case his motion is untimely.

In his motion, Plaintiff also again asks this Court to grant a motion to intervene to allow nine additional individuals to join this action. Plaintiff's case has been closed for almost three years. As such there is no pending case in which to intervene.

IT IS THEREFORE ORDERED THAT Plaintiff's Motions to Reconsider and Motion to Intervene (Doc. No. 7) are **DENIED**.

Signed: August 23, 2010

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

